UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 24, 2012

Jesse Juen
State Director
Bureau of Land Management
New Mexico State Office
P.O. Box 27115
Santa Fe, NM 87502-0115

Re: SunZia Southwest Transmission Project

Dear Mr. Juen:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, and the Region 9 office in San Francisco, California, have completed their reviews of the Draft Environmental Impact Statement (DEIS) and Resource Management Plan Amendments for the SunZia Transmission Project. EPA Region 6 is the lead reviewer with EPA Region 9 participating as an associate reviewer. The Bureau of Land Management (BLM) is the lead Federal agency responsible for NEPA compliance for this proposed action. The DEIS also includes the analysis of proposed and alternative BLM resource management plan amendments.

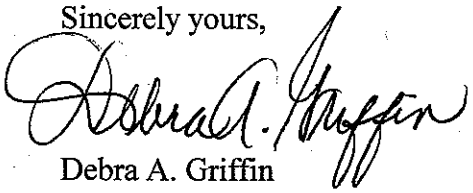
SunZia Southwest Transmission Project, as proposed by SunZia Trsmission, LLC, consists of constructing and operating two new single-circuit overhead 500-kilovolt transmission lines operating at a new substation in Lincoln County, New Mexico, and terminating at the Pinal Central Substation in Pinal County, Arizona. The transmission route alternatives would pass through Socorro, Sierra, Luna, Grant, and Hildalgo counties in New Mexico; and Cochise, Greenlee, Graham, and Pima counties in Arizona. The proposed transmission line route alternatives would range between approximately 460 and 530 miles in length, and would require right-of-way, crossing approximately 163 to 205 miles of BLM lands in Arizona and New Mexico. The remainder of the route would cross lands owned by state, private, or other entities.

EPA rates the DEIS as "**EC-2,**" i.e., EPA has "**Environmental Concerns and Request Additional Information in the FEIS**". The EPA's Rating System Criteria can be found here: http://www.epa.gov/oecaerth/nepa/comments/ratings.html. Our enclosed detailed comments are offered to complement and to more fully insure compliance with the requirements of NEPA and the Council on Environmental Quality (CEQ) regulations. EPA's comments are offered on identification of aquatic resources, minimization of impacts, air quality, and avian impacts. EPA asks that these comments be addressed and responded to in the FEIS.

Our classification will be published on the EPA website, www.epa.gov , according to our responsibility under Section 309 of the Clean Air Act to inform the public of our views on proposed Federal actions. If you have any questions, please contact Mike Jansky of my staff at (214) 665-7451 or by e-mail at jansky.michael@epa.gov for assistance.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. You may now electronically file you EIS using our *e-NEPA Electronic Filing Pilot* by linking to EPA's web site at http://www.epa.gov/compliance/nepa/submiteis/index.html.

Sincerely yours,



Debra A. Griffin
Associate Director
Compliance Assurance
and Enforcement Division

Enclosure

DETAILED COMMENTS
ON THE
BUREAU OF LAND MANAGEMENT (BLM)
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
FOR THE PROPOSED
SUNZIA SOUTHWEST TRANSMISSION PROJECT
ARIZONA AND NEW MEXICO

Background

SunZia Southwest Transmission Project, as proposed by SunZia Transmission, LLC, consists of constructing and operating two new single-circuit overhead 500-kilovolt transmission lines operating at a new substation in Lincoln County, New Mexico, and terminating at the Pinal Central Substation in Pinal County, Arizona. The transmission route alternatives would pass through Socorro, Sierra, Luna, Grant, and Hildalgo counties in New Mexico; and Cochise, Greenlee, Graham, and Pima counties in Arizona. The proposed transmission line route alternatives would range between approximately 460 and 530 miles in length, and would require right-of-way, crossing approximately 163 to 205 miles of BLM lands in Arizona and New Mexico. The remainder of the route would cross lands owned by state, private, or other entities.

Impacts to Aquatic Resources

Regarding the identification of aquatic resources, the limited information within the DEIS makes it difficult to determine the scope of impacts to streams, wetlands, springs, and open waters from each alternative. The DEIS documents aquatic resources within the study area and states the need for numerous perennial and intermittent stream crossings, as well as wetland crossings, but the potential impacts to these resources will vary widely depending on the activity type and construction methods used. In addition, the DEIS does not identify or quantify any ephemeral streams that may be crossed or impacted by the project alternatives. In some cases, ephemeral streams may be determined to be jurisdictional by the U.S. Army Corps of Engineers (Corps) and would require Clean Water Act (CWA) Section 404 authorization. EPA recognizes and appreciates that the Corps is participating with BLM as a Cooperating Agency in the development of this EIS and would be responsible for ensuring the appropriate CWA Section 404 authorization would be provided for any unavoidable impacts to jurisdictional aquatic resources.

Recommendations:

- BLM should work with the Corps to identify and quantify in the FEIS, to the maximum extent practicable, the potentially jurisdictional aquatic resources within each alternative, as well as a reasonable estimate of the anticipated temporary and permanent impacts, by habitat type.

Minimization and Mitigation of Unavoidable Impacts

Pursuant to the CWA Section 404(b)(1) Guidelines (Guidelines), mitigation of project impacts begins with the avoidance and minimization of direct, indirect, and cumulative impacts to the aquatic ecosystem, followed by compensatory mitigation for unavoidable impacts. With projects such as transmission lines, it is EPA's experience that there are typically a number of opportunities to avoid and minimize impacts to streams through sensitive design elements such as the placement of towers above the ordinary high water mark, and minimization of fill material discharged for the construction footprint. Additional avoidance and minimization alternatives should be explored for associated project features, such as minimizing road footprints, bridging and the use of at-grade crossings. Minimization measures such as these may enable many areas of the project to qualify for CWA Section 404 authorization under a general permit, such as Nationwide Permit 12 (Utility Lines).

Pursuant to the Guidelines, compensation must be provided for unavoidable impacts to jurisdictional aquatic resources, including ephemeral streams. This compensation is typically provided through an approved mitigation plan that proposes actions to restore or enhance aquatic resources within the watershed. Given the large geographic scope and quantity of potential impacts, EPA believes there are significant opportunities to develop an overall compensatory mitigation plan for the entire project, or individual project components, which will maximize the likelihood of mitigation success and offset the loss of ecologic functions.

Recommendations:

- BLM should work with the Corps to develop and identify in the FEIS a conceptual compensatory mitigation plan that describes how the preferred alternative's impacts would be offset. This plan should take into consideration the likelihood of mitigation project sustainability, watershed needs, aquatic resource types impacted, and the most suitable methods (i.e., restoration or enhancement), in order to compensate for the project as a whole.

Air Quality

Mitigation Measures

The DEIS indicates that the proposed route groups in Arizona would cross the Rillito PM_{10} nonattainment area, the San Manuel SO_2 maintenance area, and the Tucson/Pima County CO maintenance area. Although the total estimated emissions were determined to be "below the de minimus levels (100 tons per year of the pollutant for which the area is nonattainment or maintenance) for all three nonattainment and maintenance areas" (p. 4-20), they should still be mitigated to the greatest possible extent.

In order to further reduce potential air quality impacts, the responsible agencies should also include a Construction Emissions Mitigation Plan and adopt this plan in the Record of

Decision (ROD). In addition to measures included in the DEIS and all applicable local, state, or federal requirements, the EPA recommends that the following mitigation measures be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of PM, NOx, ROGs and other toxics from construction-related activities:

Recommendations:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal[1] or State Standards[2]. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible[3];

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[1] EPA's website for nonroad mobile sources is http://www.epa.gov/nonroad/.

[2] For ARB emissions standards, see: http://www.arb.ca.gov/msprog/offroad/offroad.htm.

[3] Diesel engines < 25 hp rated power started phasing in Tier 4 Model Years in 2008. Larger Tier 4 diesel engines will be phased in depending on the rated power (e.g., 25 hp - <75 hp: 2013; 75 hp - < 175 hp: 2012-2013; 175 hp - < 750 hp: 2011 - 2013; and ≥ 750 hp 2011- 2015).

- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and

- Consider alternative fuels such as natural gas and electricity (plug-in or battery).

Administrative controls:

- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking;

- Develop a construction traffic and parking management plan that maintains traffic flow and plan construction to minimize vehicle trips; and

- Identify sensitive receptors in the project area, such as children, elderly, and infirmed, and specify the means by which you will minimize impacts to these populations (e.g. locate construction equipment and staging zones away from sensitive receptors and building air intakes).

Impacts to Avian Species

The DEIS indicates that one of the primary concerns regarding biological resources identified during the scoping process was migratory bird corridors at the Rio Grande and San Pedro valleys (p. 3-69). For the New Mexico and Arizona portions of the study corridor, migratory species are a significant component of the total bird species, with approximately 267 species regularly occurring in the region (p. 3-82). Other species, including owls and raptors, are also likely to be disturbed by project activities. The DEIS describes the potential for several threatened or endangered species to occur in the study corridor, including the golden eagle, bald eagle, Mexican spotted owl, and the Southwestern willow flycatcher (which is a particular concern, as all four potential crossings of the San Pedro River are within designated critical habitat for this species).

All raptor and owl species are protected under the Migratory Bird Treaty Act (MBTA). The golden eagle and bald eagle also receive protection under the Bald and Golden Eagle Protection Act (BGEPA). In September 2009, the U.S. Fish and Wildlife Service finalized permit regulations[4] under the BGEPA for the take of bald and golden eagles on a limited basis,

[4] See Eagle Permits, 50 CFR parts 13 and 22, issued Sept. 11, 2009. See internet address: http://www.fws.gov/migratorybirds/CurrentBirdIssues/BaldEagle/Final%20Disturbance%20Rule%209%20Sept%202009.pdf

provided that the take is compatible with preservation of the eagle and cannot be practicably avoided. Most permits under the new regulations would authorize *disturbance,* rather than take.

Recommendations:

- The FEIS should include a commitment to comply with current standards and practices that reduce the potential for raptor fatalities and injuries. The commonly referenced source is the *Suggested Practices for Avian Protection on Power Lines: State of the Art in 2006 manual (APLIC 2006).*

- Identify, in the Final EIS, specific measures to reduce impacts to eagles, and clarify how the proposed project will comply with the MBTA and BGEPA.

- Include, in the Final EIS, design practices to be followed, as described in the Avian Power Line Interaction Committee document, *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994.*

- Include in the Final EIS a requirement for an Avian Protection Plan to be developed using the *2005 Avian Power Line Interaction Committee and U.S. Fish and Wildlife Service Avian Protection Plan Guidelines.*